

EXHIBIT E

EXHIBIT E

CHRISTOPHER M. RANCE Vol. 1 Confidential
TALES LEWIS vs TITLEMAX

October 06, 2020

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

TALES LEWIS,)
)
Plaintiff,)
)
VS.) CIVIL ACTION NO.
) 6:19-CV-00630-ADA-JCM
TITLEMAX OF TEXAS, INC.,)
IVY FUNDING, LLC, PLATE)
RECON, LLC DBA PLATE)
LOCATE, AND FCAR, LLC, DBA)
FIRST CALL AUTO RECOVERY &)
TOWING,)
)
Defendants.)

ORAL DEPOSITION OF
CHRISTOPHER M. RANCE

October 6, 2020

Volume 1

(Reported Remotely)

CONTAINS CONFIDENTIAL DOCUMENT(S)

ORAL DEPOSITION OF CHRISTOPHER M. RANCE, produced as
a deponent at the instance of the PLAINTIFF, TALEISHA
LEWIS, and duly sworn, was taken in the above-styled and
-numbered cause on the 6th day of October, 2020,
from 12:03 p.m. to 1:12 p.m., before Tonie Thompson,
Certified Shorthand Reporter in and for the State of
Texas, Registered Professional Reporter, Certified
Realtime Reporter, reported by machine shorthand, at

1 A. If I -- I would go pick the vehicle up or I
2 would go to the address where the vehicle -- if I already
3 have the vehicle or the repossession order? Can you
4 repeat the question? I don't understand.

5 Q. Okay. So supposing somebody has given you an
6 order to repossess a vehicle, and they've given you an
7 address to go to repossess the vehicle. What's the next
8 step?

9 A. I would repossess the vehicle.

10 Q. I see. Okay. And before repossessing the
11 vehicle, is there anything that you review other than the
12 repossession order?

13 A. Yeah. We would do a -- run the license plate,
14 run it through the --

15 (Clarification made by the reporter.)

16 A. If a client sent over an order, we would do a
17 lien check, enter into our system, wait on a historical
18 scan to come across so we would have a good address for
19 it. And then we would go and pick the vehicle up.

20 Q. (BY MR. GILL) Okay. Does your preparation
21 before picking up a vehicle ever involve researching the
22 title history of the vehicle?

23 A. Yes.

24 Q. Okay. How often is it that you're researching
25 the title history of the vehicle before repossessing it?

1 A. If it's a direct -- if it's a direct assignment
2 to us from a bank or one of our clients, 100 percent of
3 the time.

4 Q. Okay. So if an intermediary company like
5 Plate Locate assigns you a repossession, you would
6 100 percent of the time do a title history on that
7 vehicle?

8 A. No. If some of the intermediary companies --
9 or, actually, now we do. But before, since they were a
10 repossession company theirself, we would expect them to
11 do it and also -- well, we would expect them to do it.

12 Q. Okay. So say you wouldn't pull it yourself; you
13 would expect them to do it?

14 A. Yes.

15 Q. Okay.

16 A. Well, I guess, once there was an assignment --
17 if there was DRN assignment from Plate Locate, we
18 wouldn't do it. We would assume they had already done
19 it. If it was an assignment that they sent us to our
20 office and they wanted us to locate the vehicle, we would
21 do the lien check. So I guess it depends on the --

22 Q. Okay. When you say "DRN" --

23 A. I'm sorry. You cut out.

24 Q. I'm sorry. I spoke over you. Say that again.

25 A. I'm sorry. You cut out. I didn't hear your

1 Q. I'm sorry. I didn't catch that.

2 A. No.

3 Q. I see. Okay.

4 MR. GILL: Can we jump off the record again
5 real quick?

6 THE REPORTER: Yes. We're off the record
7 at 12:37 p.m.

8 (Break taken at 12:37 p.m.)

9 (Back on the record at 12:38 p.m.)

10 THE REPORTER: We're back on the record
11 at 12:38 p.m.

12 Q. (BY MR. GILL) All righty. Thank you for that.
13 Sorry about that delay there.

14 All right. So picking up back where we
15 left off here, the repossession in this instance was
16 based on one of your vehicles scanning a plate and seeing
17 a vehicle that Plate Locate wanted repossessed. Is that
18 correct?

19 A. Yes.

20 Q. All righty. And again, to recapitulate, this is
21 one of those instances in which First Call would not do a
22 title history report before repossessing the vehicle
23 because it relied on the person assigning it to do
24 it. Is that correct?

25 A. Yes.

1 Q. All righty. So turning back to the event, your
2 driver picks up the vehicle at 5 o'clock in the
3 morning. Is that correct?

4 A. Yes.

5 Q. All right. We have some exhibits here that we
6 can refer to and maybe we can walk through together to
7 make sure that we understand what's happening here. So
8 I'm going to look at Exhibit B --

9 (Deposition Exhibit B referenced.)

10 Q. (BY MR. GILL) -- which is --

11 MR. RUSSELL: Jose, did you say "B" or "D"?

12 MR. GILL: Let me know when he's got it in
13 front of him.

14 THE DEPONENT: Which one?

15 MR. GILL: Yeah, B like "boy."

16 MR. RUSSELL: Okay.

17 Q. (BY MR. GILL) It's our Exhibit B, First Call
18 Auto Recovery & Towing Car Condition Report.

19 A. Okay.

20 Q. All right. Go ahead and get myself configured
21 here.

22 Okay. So let's walk you through this
23 document. Is this prepared after the vehicle is
24 repossessed? Is that right?

25 A. (No audible response.)

1 Q. I didn't catch that. Did either of you catch
2 that?

3 A. Yes.

4 Q. Okay. And so you repossessed the vehicle, and
5 then this document is prepared to, I guess, memorialize
6 the condition of the vehicle. Is that right?

7 A. (No audible response.)

8 Q. Is that a "yes"?

9 A. Yes.

10 Q. All righty. Okay. And so this document lists
11 as "Client: Plate Locate - Repos Sys." Is that
12 Plate Locate, the other defendant in this case?

13 A. Yes.

14 Q. Okay. And I see on there it says legal owner is
15 TitleMax. What is the significance of that? Is TitleMax
16 the person that hired Plate Locate to get this car?

17 A. Yes.

18 Q. Okay. And so the recovery date on this thing is
19 July 25th, 2019, at 5:00 a.m., right?

20 A. Yes.

21 Q. All righty. And just moving through it here,
22 you have collateral, where it's stored at, the year,
23 make, model, et cetera. This is all prepared after you
24 repossessed the vehicle, correct?

25 A. Yes.

1 A. No.

2 (Deposition Exhibit F referenced.)

3 MS. DEMAREE: Okay. If you could, take a
4 look at what's been marked as Exhibit F, as in Frank.

5 Q. (BY MS. DEMAREE) Do you recognize this document?

6 A. Yes.

7 Q. And what is it?

8 A. It's our agreement with them, with Plate Locate.

9 Q. Okay. And if you take a look at it, you see the
10 Section 1, Services, there? And it mentions that
11 "Repossession agent has the right to perform services for
12 third parties other than Plate Locate."

13 You, as you testified, you did, in fact,
14 conduct repossessions for other companies besides
15 Plate Locate, right?

16 A. Yes.

17 Q. And, in fact, a majority of your repossessions
18 were for companies other than Plate Locate, right?

19 A. (No audible response.)

20 (Clarification made by the reporter.)

21 A. Yes.

22 Q. (BY MS. DEMAREE) Thank you.

23 I'd like to direct your attention to --
24 marked Plate Locate Lewis 21, that page. And do you see
25 where it says, Subsection G, "No Subcontracting/

1 Employees," this provision requires you to conduct any
2 repossessions using your own employees, right?

3 A. Yes.

4 Q. And you did so in this case, correct?

5 A. Yes.

6 Q. All right. If you turn to the next page,
7 Section 6, Independent Contractors, is it your
8 understanding that you were an independent contractor of
9 Plate Locate?

10 A. Yes.

11 Q. If we take a look at Section 9, Indemnity
12 Obligation, in looking at this provision, it says,
13 "Repossession agent agrees at all times to indemnify,
14 defend and hold harmlessly Plate Locate" --

15 (Clarification made by the reporter.)

16 Q. (BY MS. DEMAREE) So going back, you see the
17 Section 9, Subsection A, it says, "Repossession agent
18 agrees at all times to indemnify, defend and hold
19 harmless Plate Locate," and it goes on to list other
20 Plate Locate parties? Do you see that?

21 A. Yes.

22 Q. Is it your understanding that First Call had to
23 indemnify and defend Plate Locate if First Call made a
24 mistake in a recovery?

25 A. Yes.

1 Q. In looking at the Section 9, Indemnity
2 Obligation, is there any provision that requires
3 Plate Locate to indemnify First Call?

4 A. No.

5 Q. I'm sorry?

6 A. No.

7 Q. So you mentioned that you have a relationship
8 with TitleMax as well?

9 A. Yes.

10 Q. What's that relationship?

11 A. Just -- we just pick up vehicles for them.

12 Q. Okay. In this particular case, though, you
13 received the order from Plate Locate, correct?

14 A. Yes.

15 Q. So it was not from TitleMax, correct?

16 A. Yes.

17 Q. Do you have any sort of relationship with
18 Ivy Funding Company, LLC?

19 A. No. I wasn't sure how Ivy Funding was even
20 involved with this. I don't have any relationship with
21 them.

22 Q. Was there a representative of Plate Locate at
23 the repossession?

24 A. No.

25 Q. Was there a representative of TitleMax at the

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1 repossession?

2 A. No.

3 Q. And was there a representative of Ivy Funding
4 Company at the repossession?

5 A. No.

6 Q. And just so we're clear, we're talking about the
7 repossession of the subject vehicle.

8 A. Yes.

9 Q. Are your answers still the same?

10 A. Yes.

11 Q. Okay. Did Plate Locate direct you in how to go
12 about recovering the subject vehicle at all?

13 A. No.

14 Q. You determined what orders to accept, whether to
15 repossess the vehicle in this case, for example?

16 A. Yes.

17 Q. Did you -- so in this case, you're asserting a
18 common law indemnity claim against Plate Locate. Are you
19 aware of that?

20 A. I didn't understand. Can you repeat that
21 question?

22 Q. Okay. So in this lawsuit, First Call has
23 asserted a claim against Plate Locate for indemnity. Are
24 you aware of that claim?

25 A. (No audible response.)

1 Esquire Deposition Solutions on _____, 2020, was
2 properly executed by the deponent to the deposition
3 officer, and the attached change/correction sheet
4 contains any changes, and the reasons therefor, made by
5 the deponent.

6 That the deposition transcript ____ was not returned
7 to the deposition officer by the deponent.

8 That the original deposition transcript, or a copy
9 thereof, together with copies of all exhibits, was
10 delivered on the _____ day of _____, 2020, to
11 _____ for the safekeeping and use at trial.

12 That the amount of time used by each party at the
13 deposition is as follows:

14 MR. GILL.....00 HOURS:42 MINUTES
15 MS. DEMAREE.....00 HOURS:18 MINUTES
16 MR. RUSSELL.....00 HOURS:00 MINUTES

17 That pursuant to information given to the deposition
18 officer at the time said testimony was taken, the
19 following includes counsel for all parties of record:

20 Mr. Jose Gill, Attorney for Plaintiff,
21 Taleisha Lewis;
22 Ms. Lindsay C. Demaree, Attorney for Defendants
23 TitleMax of Texas, Inc.; Ivy Funding, LLC;
24 Plate Recon, LLC, dba Plate Locate;
25 Mr. Michael Russell, Attorney for Defendants
FCAR, LLC, dba First Call Auto Recovery & Towing,
and the Deponent, Christopher M. Rance.

* * *

24 That a copy of this certification was served on all
25 parties shown herein.

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1 Certified to by me this 19th day of October, 2020.

2 

3 _____
4 Tonie Thompson
5 Texas CSR No. 8348
6 NCRA No. 27999
7 Expiration Date: 01/31/2021
8 Esquire Deposition Solutions
9 Firm Registration No. 286
10 1700 Pacific Avenue, Suite 1000
11 Dallas, Texas 75201
12 Phone: (214)257-1436
13 Fax: (214)954-0506
14 www.esquiresolutions.com
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EXHIBIT B

TONIE THOMPSON, CSR, RPR, CRR

EXHIBIT “B”

First Call Auto Recovery & Towing Car Condition Report**702 S 53rd St Temple, TX 76504****Phone: (254) 778-7376 Fax: (254) 778-7378 State License No: TX****Client:** Plate Locate - Repo Sys**Case #:** 2073578447 / 63765**Recovery Date:** 2019-07-25**Account #:** 1086 **ATTN:** unassigned unassigned**Recovery Time:** 05:00 AM**Borrower:** Shaune Duncan**Police Agency:** Temple PD**Legal Owner:** TitleMax**Order Type:** Repossess**Order To:** Involuntary Repossession**Recovery Location:** 809 Lexington Dr Temple TX 76504**Personals:** Yes

bluetooth, lanyard, toys, ash tray, car seat, dishes, air freshner, clothes, stroller, shoes, hub cap, weed killer, misc papers, misc items

Collateral (Stored At: Main Storage Lot 702 S 53rd St 702 S 53rd St Temple TX 76504 254-778-7376)**Year:** 2007**Make:** Ford**Model:** Five Hundred**Color:** Silver**VIN #:** 1FAHP24167G154751**Mileage:** 00**License/St:** KPX5285 / TX**Expires:****General****General Condition**

Average

Mechanical Condition

Unknown

Interior Condition

Dirty

Notes:**Keys****Ignition Keys** No**Secondary Keys** No**Battery** Good**Options****Type Of Vehicle**

4dr Car

Roof

Standard Roof

Transmission

Automatic

Stereo

Am/fm/cd

☒ Power Windows☒ Power Locks☒ Tilt Wheel☒ A/C☒ Power Seats☒ Power Steering☒ Cruise Control

Diesel

☒ Leather Seats☒ Alloy Wheels

Rear A/C

Details:**Condition****Body**

Dented

Paint

Scratched

Able To Drive

No Keys

Driver's Side**Front Quarter Panel**

Scratched And Dinged

Front Door

Scratched And Dinged

Rear Door

Scratched And Dinged

Rear Quarter Panel

Scratched And Dinged

Passenger's Side**Front Quarter Panel**

Scratched And Dinged

Front Door

Scratched And Dinged

Rear Door

Scratched And Dinged

Rear Quarter Panel

Scratched And Dinged

Top**Hood**

Scratch

Roof

Scratch

Trunk

Scratched And Dinged

Hatchback

N/a

Bumper**Front**

Scratched And Dinged

Rear

Scratched And Dinged

Glass

Front Cracked

Tires Lft Frt

Average

Left Rear

Average

Right Front

Average

Right Rear

Average

Spare

Average

Wheel Covers**Completed By:** Amber**Date:** 07/25/2019

Received By: _____

Received On: _____

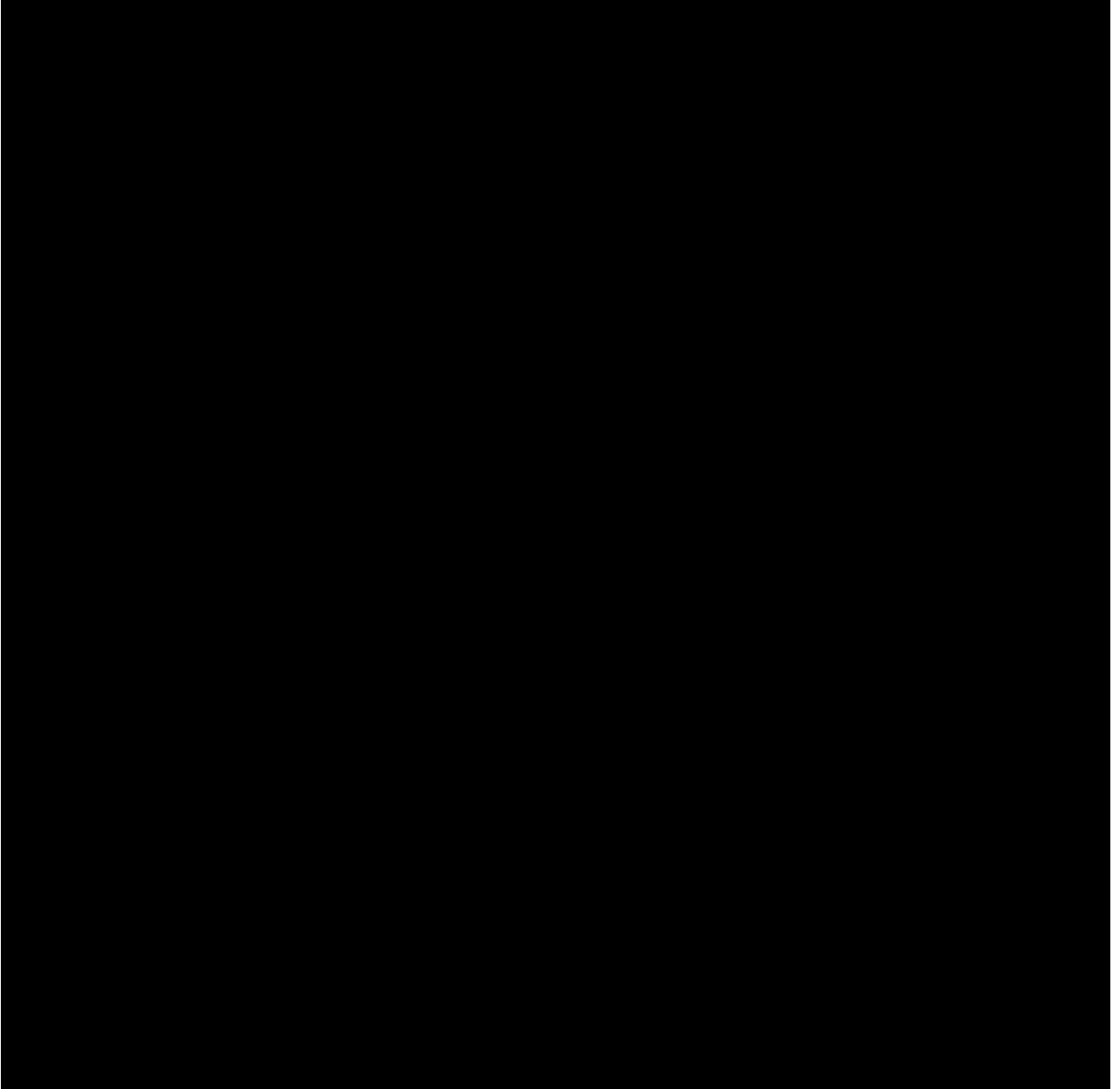
EXHIBIT F

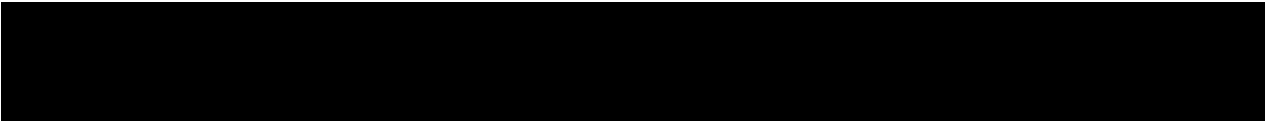
TONIE THOMPSON, CSR, RPR, CRR

PLATE LOCATE

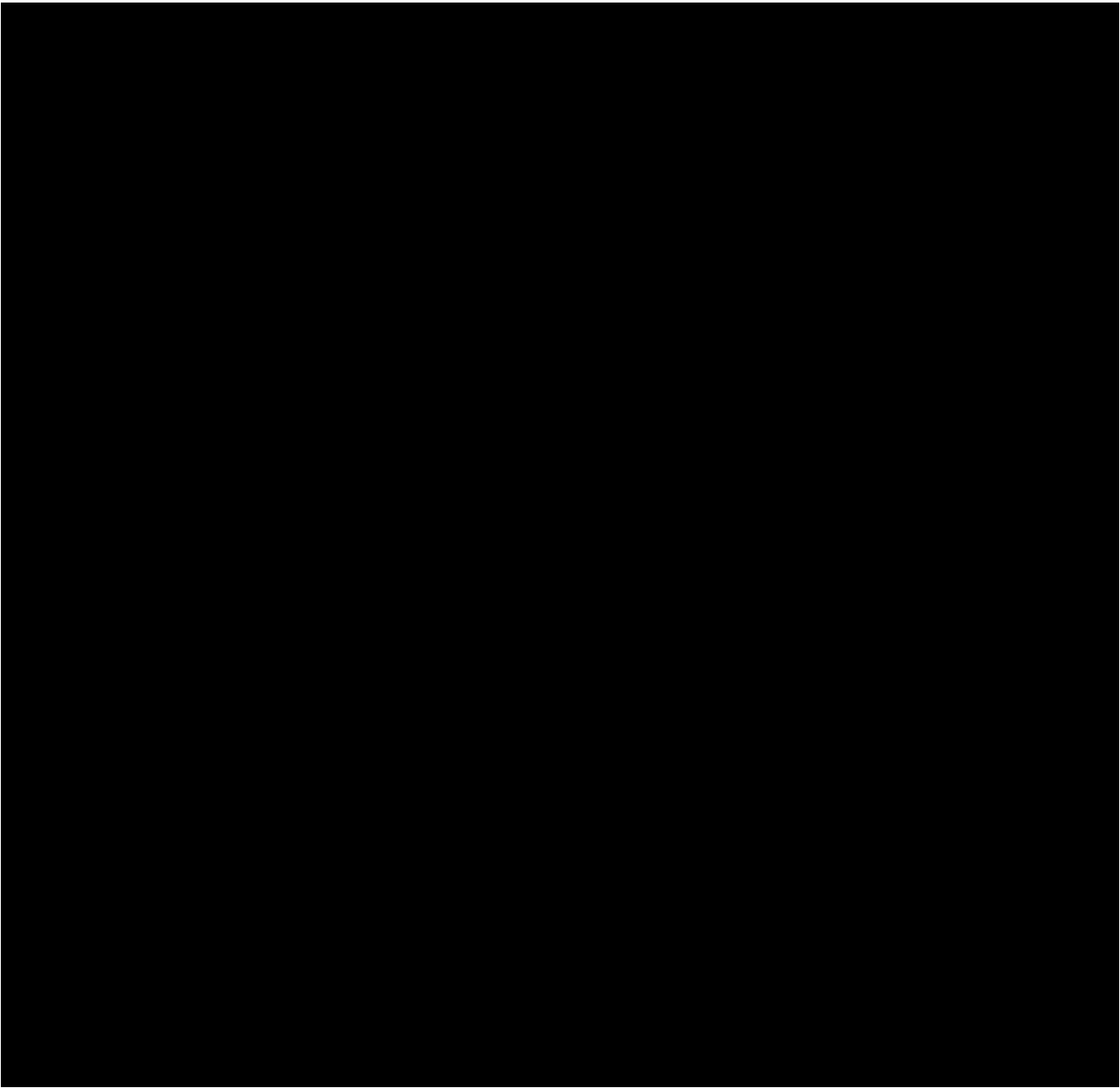
REPOSSESSION AGENT SERVICES AGREEMENT

THIS REPOSSESSION AGENT SERVICES AGREEMENT (this “Agreement”) is effective as of the 28th day of June 2019 (the “Effective Date”), by and between Plate Recon, LLC d/b/a Plate Locate, a Texas limited liability company having an address at 23820 Lenze Road, Spring, TX 77389 (“Plate Locate”), and FCAR LLC, a Texas limited liability company having an address at 1719 W. Ave M, Ste C, Temple, TX, 76504 (“Repossession Agent”). Plate Locate and Repossession Agent are sometimes each referred to herein individually as, a “Party,” and collectively as, the “Parties.”





Section 6. Independent Contractors. The Parties are independent contractors and nothing contained in this Agreement shall be construed to place the Parties in the relationship of employer and employee, partners, principal and agent, or joint venturers. Neither Party shall have the power to bind or obligate the other Party, nor shall either Party hold itself out as having such authority. Repossession Agent has the sole right to control and direct the means, manner and method by which the services required by this Agreement will be performed so long as it complies with the requirements set forth in this Agreement. Repossession Agent shall be responsible for all expenses incurred while performing services under this Agreement, including, but not limited to, license fees, memberships and dues, automobile and other travel expenses, insurance premiums, and all salary, expenses and other compensation paid to employees or contract personnel that Repossession Agent hires to perform services pursuant to this Agreement.



THE PARTIES SIGN THIS AGREEMENT AS OF THE EFFECTIVE DATE. BY SIGNING BELOW EACH PARTY REPRESENTS THAT THEY HAD THE OPPORTUNITY TO CONSULT LEGAL COUNSEL OF THEIR CHOOSING PRIOR TO SIGNING THIS AGREEMENT (TO THE EXTENT THEY SO DESIRE) AND THAT THEY VOLUNTARILY SIGN THIS AGREEMENT WITH FULL UNDERSTANDING OF THE TERMS CONTAINED HEREIN.

PLATE LOCATE: PLATE RECON, LLC

DocuSigned by:
Signature: *Jeremy Gonske*
Name: Jeremy Gonske
Title: CEO
Date: 6/28/2019

REPOSSESSION AGENT: FCAR LLC

DocuSigned by:
Signature: *Christopher Rance*
Name: Christopher Rance
Title: Owner
Date: 6/28/2019